

REMARKS

Claims 1-30 are pending in this application. Of the above claims, claims 23-30 are withdrawn from consideration and claims 1-22 were rejected. Applicants respectfully request examination in view of the above amendments and the following remarks.

Election/Restrictions

Applicant hereby affirms the election of claims 1-22.

Claim Objections

Claims 1,6, 12-14, and 16-20 were objected to due to insufficient antecedent basis for claim limitations. Applicant has amended these claims to provide sufficient antecedent basis to overcome the objections.

Claim Rejections – 35 USC §112

Claims 7, 8, and 9 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended these claims to particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

Claims 15, 16, and 22 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended these claims to particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

Claim 14 was rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Applicant has amended this claim to contain subject matter that is described in the specification in such a way as to enable one skilled in the art to make and/or use the invention.

Claim Rejections – 35 USC §102

Claims 1-5, 7-13, 17, 18, 20, and 22 were rejected under 35 U.S.C. 103(a) as being anticipated by Bhogal et al. (US: 2002/0193092, hereinafter "Bhogal"). Applicant respectfully submits, however, that Bhogal does not qualify as prior art under 35 U.S.C. §102(e). The filing date of the Bhogal published application is June 14, 2001. The Declaration of Shannon M. Short under 37 C.F.R. §1.131 establishes conception of the invention defined by the claims in the present application in the United States prior to June 14, 2001 and, coupled with due diligence, establishes filing of the present application on August 30, 2001. Therefore, the rejection of claims 1-5, 7-13, 17, 18, 20, and 22 under 35 U.S.C. §102(e) should be withdrawn.

Claim Rejections – 35 USC §103

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bhogal. Applicant respectfully submits, however, that Bhogal does not qualify as prior art under 35 U.S.C. §103(a) for the reasons stated above regarding the rejection of claims 1-5, 7-13, 17, 18, 20, and 22. Thus, Applicant respectfully submits that the rejection of this claim under 35 U.S.C. §103(a) should be withdrawn. Applicant also respectfully traverses the assertion that receiving from the user time block information to initialize a timer is "well known" to one skilled in the art. Applicant asserts that there is no evidence in the record to support this assertion of common knowledge. Receiving user-specified parameters for tracking telephone plan minute status was not common knowledge at the time of the invention. Applicant, hereby requests the production of documentary evidence in support of the rejection if the rejection is maintained.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bhogal in view of Chavez (US: 6,058,305, hereinafter "Chavez"). As described above, Bhogal does not qualify as prior art under 35 U.S.C. §103(a) for the reasons stated above regarding the rejection of claims 1-5, 7-13, 17, 18, 20, and 22. Applicant also submits that claim 14 is not obvious over Bhogal in combination with Chavez because Chavez, neither alone nor in combination, teaches each recitation of claim 14. Furthermore, because Bhogal is not prior art, and because Bhogal in connection with Chavez does not teach, suggest or describe the recitations of claim 14. Applicant respectfully submits that the rejection of this claim under 35 U.S.C. §103(a) should be withdrawn.

Claims 15 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bhogal in view of Joyce et al (US: 6, 320,947 hereafter "Joyce"). As described above, Bhogal does not qualify as prior art under 35 U.S.C. §103(a) for the reasons stated above regarding the rejection of claims 1-5, 7-13, 17, 18, 20, and 22. Applicant also submits that claims 15 and 21 are not obvious over Bhogal in combination with Joyce because Joyce, neither alone nor in combination, teaches each recitation of claims 15 and 21. Furthermore, because Bhogal is not prior art, and because Bhogal in connection with Joyce does not teach, suggest or describe the recitations of claims 15 and 21. Applicant respectfully submits that the rejection of these claims under 35 U.S.C. §103(a) should be withdrawn.

Claim 16 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bhogal in view of Matsuzaki et al (US: 6, 289,314 hereafter " Matsuzaki "). As described above, Bhogal does not qualify as prior art under 35 U.S.C. §103(a) for the reasons stated above regarding the rejection of claims 1-5, 7-13, 17, 18, 20, and 22. Applicant also submits that claim 16 is not obvious over Bhogal in combination with Matsuzaki because Matsuzaki, neither alone nor in combination, teaches each recitation of claim 16. Furthermore, because Bhogal is not prior art, and because Bhogal in connection with Matsuzaki does not teach, suggest or describe the recitations of claim 16. Applicant respectfully submits that the rejection of this claim under 35 U.S.C. §103(a) should be withdrawn.


Conclusion

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(404) 954-5100

Date: August 22, 2005


Murrell W. Blackburn
Reg. No. 50,881

